

### **AMENDMENT TO THE DRAWINGS**

The attached sheets of drawings include changes to Figures 6, 10, 14, 16, 17, 18, and 19. These sheets replace the original sheets including Figures 6, 10, 14, 16, 17, 18, and 19. It is believed that the revisions to the drawings are self explanatory and so, annotated sheets are not enclosed.

Attachment: Replacement Sheets, 7 pages

## **REMARKS**

In the Office Action mailed January 30, 2009, the drawings were objected to.

Claim 3 was rejected under 35 USC §112, second paragraph for alleged indefiniteness.

Claims 1-6, 8-15 and 17 were rejected for alleged anticipation by US Patent 7,182,219 to Chang.

Claims 7, 16 and 18-20 were indicated as being allowable if rewritten in independent form.

Applicant appreciates the careful and thoughtful review of the application. Clarifications are presented herein which are believed to remedy all objections and rejections. Specifically, amendments are presented herein to claims 1, 3, 5, 6, and 11. Claims 2, 4, and 7 have been incorporated in claim 1 and cancelled. Claims 1, 3, 5, 6 and 8-20 remain pending and are believed to be in condition for allowance.

### **A. Objections to the Drawings Have Been Remedied**

Objections were raised with regard to Figures 6, 10, 14, and 16-19. These figures were revised to omit previously included shading. It is respectfully submitted that this concern has been remedied.

In the Office Action, it was also asserted that the claim recitation "path includes two long sides longer than one side of the case and orthogonally crossing each other so that an intersection of the long sides is formed on a side of the center line" in claim 8, line 5, is not shown in the drawings.

It is respectfully submitted that the noted recitation in claim 8 is shown in Figures 7 to 9. Paragraph [0063] of the specification of the present application as published in 2007/0175911, states:

As shown in Fig. 7 and Fig. 8, an outline of transverse cross section of each of the article receiving paths 73a-73d in the article stockers 27-33 of this embodiment has two long sides 74a,74b which are longer than one side of the case for the article 75 shown in Fig. 8 and orthogonally crossing each other so that an intersection is formed on a side of the center line, two short sides 74c,74d extending from the distal ends of the two long sides 74a,74b in directions perpendicular to those of the long sides, and a curved side 74e situated outside extensions of the two short sides 74,74d and connecting the two short sides. Determining the transverse cross section of the article receiving paths in this way can prevent the articles from being caught on the inner walls of the article receiving paths even if the article cases tilt inside the paths.

This description refers to the relevant figures. It is respectfully submitted that it is clear from this description that the noted recitation in claim 8 is shown in drawings. Accordingly, it is believed that the objection should be withdrawn.

#### **B. Claim Rejections under 35 USC §112 Have Been Remedied**

The Examiner objected to the wordings of "m article receiving paths" recited in claim 3, lines 2 and 5, and "p article stockers" recited in claim 10, and the like. The Examiner indicated "it is generally understood and broadly construed to mean that m defines a multiple quantity. Appropriate action is required."

It is respectfully submitted that the terms at issue are sufficiently definite. Claim 3 as originally filed contains a definition for m. Claim 3 recites that "m is a positive integer of two or more." The Office is respectfully requested to explain why this definition is vague, and fails to sufficiently define the term "m."

The Office Action also referred to claims 10, 11, and 14 in the rejection of claim 3. It is unclear whether those claims were also rejected under 35 USC §112, second paragraph for alleged indefiniteness. However, claim 10 specifically recites another term "p" and defines that term as "a positive integer of two or more." Claim 10 also

recites "m" and defines that term as previously explained in regards to claim 3. Claims 11 and 14 depend from claim 10 and so contain all of the recitations of claim 10. It is believed that all terms at issue are definite and meet the requirements of §112.

In view of the foregoing, it is respectfully submitted that the rejection under §112, second paragraph should be withdrawn.

**C. Claim Rejections under 35 USC §102 Have Been Remedied**

Claims 1-6, 8-15, and 17 were rejected under 35 USC §102 based upon US 7,182,219 to Chang. In view of the clarifying amendments and explanations presented herein, it is believed that the rejection should be withdrawn.

Specifically, claim 1 has been amended by incorporating the recitations from claims 2, 4, and 7. Accordingly, claims 2, 4, and 7 have been cancelled. In view of the cancellation of claims 2 and 4, the dependency of claims 3, 5, and 6 has been changed to claim 1. Also, additional terminology has been included in claims 1 and 11. The added terminology, "the lower partition wall being formed with a lower through-hole that guides an article to the guide path" is supported by the description in paragraph [0059] of the published application.

Claim 7 was not rejected. In fact, that claim was indicated by the Office as being allowable. Thus, by combining claim 1 with claim 7 as well as claims 2 and 4, it is submitted that claim 1 as amended is now in condition for allowance. Accordingly, claims 3, 5 and 6 dependent upon claim 1 are also patentable.

Claim 10 recites a vending machine having various elements designated herein as (1) – (7) for ease in discussion:

(1) p article stockers (p is a positive integer of two or more) that respectively store a plurality of articles; and one article guide path;

(2) p drive force generation/transmission mechanisms, each including one manually driven manual operation means and being adapted to transmit a drive force to a driven portion by utilizing a force applied from the manual operation means; and

(3) p article moving mechanisms, each driven by the drive force transmitted from each of the p drive force generation/transmission mechanisms to move one of the plurality of articles stored in the p article stockers into the one article guide path.

Claim 10 also recites:

(4) each of the p article stockers includes m article receiving paths (m is a positive integer of two or more) in which the plurality of articles are received and vertically stacked one upon another;

(5) the m article receiving paths surround a vertically extending center line of the article stocker, two adjoining paths among the article receiving paths being separated by separation walls provided to extend radially from the center line at an angular interval of  $360^\circ/m$ ;

(6) each of the p article moving mechanisms includes a rotational shaft of which an axis line coincides with the center line of the corresponding article stocker, the rotating shaft being driven by the drive force to rotate the article stocker, and is constructed so that the rotation of the rotating shaft causes the article to move from one of the m article receiving paths into the article guide path, the article receiving paths being sequentially selected; and

(7) the p drive force generation/transmission mechanisms are constructed to prevent two or more article moving mechanisms from moving the articles into the one article guide path simultaneously.

Claim 10 was rejected for alleged anticipation based upon Chang. As explained below, it is respectfully submitted that upon further review, it will be appreciated that Chang fails to disclose all of the aspects recited in claim 10.

US 7,182,219 to Chang discloses an automatic vending machine which comprises a turning knob 70 (which arguably corresponds to a manual operation means of claim 10) that is manually operated, a product dispensing chute 75 (which arguably corresponds to article guide path of claim 10), a storage magazine 20 including a plurality of elongated vertical cavities 38 (which arguably correspond to article stockers of claim 10), and several other mechanisms including a coin operated dispensing mechanism 22 and a one way indexing mechanism 24 (which arguably correspond to a drive force generation/transmission mechanism and an article moving mechanism of claim 10). At most, Chang discloses an automatic vending machine that includes only one article stocker having a plurality of article receiving paths. The '219 patent to Chang does not disclose features (1), (4), and (7) as recited in claim 10 as described above.

Since Chang's automatic vending machine has only one article stocker (storage magazine 20), the manual operation means (turning knob 70) is accordingly used only for the one article stocker (storage magazine 20), and the vending machine has only one drive force generation/transmission mechanism and only one article moving mechanism. Therefore, the '219 patent to Chang does not disclose the feature (7) of claim 10.

The feature (7) as recited in claim 10 is for use with an automatic vending machine including p (a plurality of) drive force generation/transmission mechanisms and p (a plurality of) article moving mechanisms and prevents two or more article moving mechanisms from moving the articles into the one article guide path simultaneously.

Further, no other reference of record in this application discloses feature (7) as recited in claim 10.

In the Action of January 30, 2009, the Office did not address an aspect of the present invention that is characterized by comprising a plurality of article stockers each including a plurality of article receiving paths.

In conclusion, US 7,182,219 to Chang and other citations do not disclose any of the features (1), (4) and (7) recited in claim 10. Since independent claim 10 is submitted to be patentable over the '219 patent to Chang, so too are claims 11-15 and 17 dependent therefrom.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. NIS-16742.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /Mark E. Bandy/  
Mark E. Bandy, Reg. No. 35788

38210 Glenn Avenue  
Willoughby, Ohio 44094-7808  
(216) 566-9700